

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ISMAEL H. PADILLA,
ID # 00356764,
Plaintiff,

vs.

DIR. TX., PRISON SYSTEM, et al.,
Defendants.

No. 3:21-CV-908-C-BH

Referred to U.S. Magistrate Judge¹

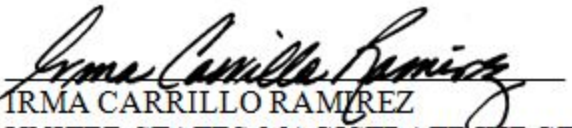
RECOMMENDATION REGARDING REQUEST TO PROCEED
IN FORMA PAUPERIS ON APPEAL

Before the Court is the plaintiff's "*Motion of Notice of Appeal;*" and *Request to Proceed In Forma Pauperis*"[sic], which includes a request to proceed *in forma pauperis* on appeal, received from the United States Court of Appeals for the Fifth Circuit on August 4, 2021 (doc. 17).

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should find under Fed. R. App. 24(a)(3) and 28 U.S.C. § 1915(g) that the plaintiff is barred by the "three-strikes" rule of § 1915(g), and has not timely paid the filing fee, as discussed in the findings, conclusions, and recommendations filed in this case on April 22, 2021 and June 7, 2021 (docs. 8, 12).

If the Court denies the request to proceed *in forma pauperis* on appeal, the plaintiff may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SO RECOMMENDED this 6th day of August, 2021.


IRMA CARRILLO RAMIREZ
UNITED STATES MAGISTRATE JUDGE

¹Under Amended Miscellaneous Order No. 6 (adopted by Special Order No. 2-59 on May 5, 2005), requests to proceed *in forma pauperis* are automatically referred.